AO 106 (Rev. 04/10) Application for a Search Warrant

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
MAR 16 2017
MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

7555 Prairie Road NE,
Albuquerque, New Mexico 87109

Case No. 17 MR 217

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location):*

7555 Prairie Road NE, Albuquerque, NM. 87109 - See attachment A for further description

located in the Judicial District of New Mexico, there is now concealed *(identify the person or describe the property to be seized):*
See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more):*

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
Title 21 U.S.C. Section 841	Possession with intent to distribute heroin

The application is based on these facts:
See attached affidavit

- ☑ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: __________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

SA Christopher Godier
Applicant's signature

SA Christopher Godier, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 03-16-2017

Karen B Molzen
Judge's signature

City and state: Albuquerque, New Mexico

Karen B. Molzen, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Special Agent Christopher Godier, Drug Enforcement Administration, United States Department of Justice, being duly sworn, and stated the following in support of my request for a search warrant:

INTRODUCTION

1. I make this Affidavit in support of an application for a search warrant at **7555 Prairie Road NE**, Albuquerque, NM; **1630 El Patio Pl SW**, Albuquerque, NM; and **9808 Shiraz Road SW**, Albuquerque, NM ("Subject Residences"), each of which are fully described in the respective Attachment A. I am currently investigating the heroin trafficking activities of Rafael Salazar-Amaya (aka Johnathan Torrez-Sazueta, aka Pato), Nicolas Acosta-Marroquin, Manuel ~~Garcia-Levario~~ Levario-Garcia, and Juan LNU (Last Name Unknown) and others yet to be identified. There is probable cause to believe that at the Subject Residences there will be found evidence of violations of 21 U.S.C. §§ 841(a)(1) and 846. The evidence to be seized is more specifically described in Attachment B. The statements contained in this Affidavit are based on my personal knowledge, as well as information provided to me by other law enforcement officials. Because this Affidavit is written for the limited purpose of setting forth probable cause for the requested search warrant, I have not included every fact known to me through this investigation. I have set forth only those facts necessary to establish probable cause that evidence, fruits, or instrumentalities of drug offenses will be found at the location to be searched.

AFFIANT'S BACKGROUND AND QUALIFICATIONS

2. I am presently employed by the Drug Enforcement Administration ("DEA"), Albuquerque District Office, Group II, and have been employed by the DEA since August of 2003.

3. I have received specialized training from the DEA in drug investigation matters including, but not limited to, drug interdiction, drug detection, money laundering techniques and schemes, drug identification, and asset identification and removal. In addition, I graduated from the DEA Academy in Quantico, Virginia. In total, I have received in excess of 500 hours of comprehensive formalized classroom instruction in those areas outlined above.

4. I have assisted in the execution of numerous warrants to search particular places or premises for controlled substances and/or related paraphernalia, indicia and other evidence of violations of federal drug narcotics statutes. As a result, I have encountered and become familiar with various tools, methods, trends, and paraphernalia and related articles utilized by traffickers in their efforts to import, conceal, manufacture and distribute controlled substances. Central to all trafficking efforts, regardless of the drug, is the trafficker's effort to make a profit from those dealings or transactions, either for the purchase of additional substances or material gain. I have been actively involved as case agent in numerous investigations and have talked with numerous

confidential informants involved in the trafficking of narcotics, and this has formed the basis of my opinion.

5. Based on my training, experience, and participation in this and other drug trafficking investigations, I have learned that individuals engaged in the transportation, delivery and sales of controlled substances usually store controlled substances in residences, businesses, storage lockers and other places that are not readily accessible to the public.

6. Further, based on my experience, I believe that in addition to a distributable quantity of heroin, documentary evidence will be found at the Subject Residences, including, but not limited to, bulk currency, pay-owe sheets, ledgers, receipts for packaging materials, receipts for cutting agents, telephone records, and other indicia of residence or ownership. This documentary evidence is not as transitory as the drugs themselves, and is likely to be present at the Subject Residences even if the drugs themselves have already been distributed. I know this Drug Trafficking Organization ("DTO") utilizes cellular telephones to facilitate the distribution of heroin, and based on this I believe one or more cellular telephones will be located at the Subject Residences. I believe that the DTO would need to maintain records of the amounts of heroin distributed (to customers) to include records of the amount of money collected from each customer. I further believe that large sums of currency, which are the proceeds of these drug transactions, will be found at the Subject Residences. I believe that the DTO would need to maintain a customer list, possibly written in an address book or as part of the contact list of a cellular telephone. I believe documents (such as utility bills) will also be found in the Subject Residences that will assist in identifying additional DTO members. I know based on my training and experience that drug traffickers sometimes use vehicles to facilitate the distribution of narcotics and to hide narcotics. I believe that many of the above-mentioned types of evidence may be found in vehicles located at the Subject Residences. I further believe that proof of ownership of such vehicles may be found in the Subject Residences. I believe that the DTO may utilize a safe or other method to hide drug proceeds. I further believe that the DTO may utilize banking institutions to hide drug proceeds, and that in the Subject Residences bank statements may be located.

RELEVANT FACTS

7. The facts set forth within are based on my personal participation in the investigation and upon the observation of other law enforcement personnel who related those facts to me. Based on my training and experience, I believe that the following facts outline the probable cause for the issuance of a search warrant for the Subject Residences.

Evidence Showing 7555 Prairie Road NE is a Stash House Used by Juan LNU and that a White Nissan Maxima (NM Plate KPH125) is Used to Transport Narcotics

8. On June 24, 2016, Region III personnel met with a Region III Narcotics Task Force Confidential Source ("CS-1") to conduct a controlled purchase of heroin from Juan LNU. CS-1 and CS-1's vehicle were searched and no contraband was located. CS-1 was provided

$1,300.00 of official advanced funds ("OAF") to complete the heroin purchase.

9. CS-1 placed a phone call to Juan LNU and ordered two ounces of heroin. CS-1 was advised by Juan LNU to travel to **7555 Prairie Road NE,** Albuquerque, NM to pick up a package and deliver the package to two individuals known by CS-1 to be heroin distributors for this DTO. Juan LNU advised CS-1 on this date that the package was the heroin the DTO planned to distribute to customers on that date. Further, Juan LNU advised CS-1 that he and "Pato" were storing heroin at **7555 Prairie Road NE**. CS-1 traveled to this address, went to the front door of this town home, and knocked on the door. CS-1 was asked through the closed front door what CS-1 wanted and CS-1 advised CS-1 was there to pick up Pato's stuff.

10. A few moments later CS-1 received a phone call from Juan LNU advising CS-1 to travel to the McDonald's parking lot located at 8315 Montgomery Blvd. NMSP Sgt. Wayne Shelton maintained surveillance of **7555 Prairie Road NE** and observed a white male subject exit the residence and get into a white Nissan Maxima bearing New Mexico license plate KPH125.[1] The Maxima was followed to the McDonald's parking lot at 8315 Montgomery and the CS was observed meeting with the driver of this vehicle who provided CS-1 with a package. The Maxima was then observed returning to **7555 Prairie Road NE** and the white male driver was observed going into the residence.

11. CS-1 was followed from the McDonald's parking lot to the Peter Piper Pizza parking lot, located at 3109 San Mateo Blvd. CS-1 met a male and female that arrived in a blue Toyota. These individuals were later identified as Jose Torres and Josephine Trujillo. CS-1 obtained 58.3 grams of heroin from the package that CS-1 had been given from the male subject in the Maxima. CS-1 paid $1,300.00 to Jose Torres for this heroin. CS-1 advised that the package contained approximately four to five ounces of heroin and that Jose Torres and his girlfriend, Josephine Trujillo, took the remainder of the heroin to distribute throughout Albuquerque on that date.

Recent Controlled Buy from Manuel Levario-Garcia Coordinated by Juan LNU, and Evidence Showing Nicolas Acosta-Marroquin is a Drug-Trafficker and that a White Nissan Versa (NM Temporary Tags) is used to Transport Drugs

12. On February 1, 2017, a DEA Confidential Source ("CS-2") provided information concerning a heroin distribution organization operating in the Albuquerque area. CS-2 advised that CS-2 placed a phone call to (505) 234-2444 and spoke to a male subject who previously told CS-2 his name was "Juan" during past phone calls in which CS-2 ordered heroin. CS-2 stated that CS-2 has never actually met Juan and CS-2 advised that CS-2 believes Juan dispatches one of three different men to deliver the heroin ordered by CS-2. CS-2 provided descriptions of all three men and the vehicles each man has used to deliver heroin in the past. CS-2 stated that CS-2 has observed each of these men receive voice texts telling them what location to drive to next

[1] New Mexico license plate KPH125 is registered to Rick J Allen at 4600 Brenda St NE, Albuquerque, NM, for a four-door, white 2009 Nissan vehicle.

while they were meeting with CS-2 during past heroin deliveries to CS-2.

13. On February 15, ~~2016,~~ 2017 DEA personnel and Region III Narcotics Task Force utilized CS-2 to purchase 2.9 grams of heroin from Juan LNU. On this date, agents met with CS-2 and searched CS-2 and CS-2's vehicle, and no contraband was located. CS-2 was provided with $100.00 OAF for the purpose of purchasing heroin from Juan LNU. CS-2 was then instructed to call Juan LNU at (505) 234-2444. I observed CS-2's phone as CS-2 dialed this phone number and I recorded CS-2's conversation with Juan LNU. CS-2 asked Juan LNU if he could meet CS-2 and Juan confirmed that he could meet CS-2 in twenty minutes.

14. Approximately twenty minutes later, a white Chevrolet sedan bearing New Mexico license plate NXL-841,[2] arrived in the parking lot and pulled up next to CS-2's vehicle. CS-2 was observed getting out of CS-2's vehicle and getting into the passenger seat of the white Chevrolet. The Chevrolet then drove south through the parking lot a short distance and CS then got back out of the Chevrolet and returned to CS-2's vehicle. The Chevrolet was observed departing the parking lot a few moments later and surveillance of this vehicle was maintained.

15. CS-2 was followed from the meet location to a nearby location and CS-2 provided me with approximately 2.9 grams of heroin. CS-2 and CS-2's vehicle were again searched and no additional contraband was found. Later on this same date, I field tested the heroin and obtained a positive result for the presence of heroin.

16. Surveillance of the white Chevrolet was conducted for approximately one hour and twenty-five minutes after the CS-2 purchase of heroin was completed. The only occupant of the white Chevrolet was observed to be a Hispanic male driver, who was observed meeting with four additional individuals in a manner consistent with the sale of narcotics. Agents arranged for the Chevrolet to be stopped by a New Mexico State Police marked police vehicle to identify the driver of the Chevrolet for future prosecution. New Mexico State Police Officer Tony Depavis contacted the driver of the vehicle who provided Officer Depavis with a New Mexico driver's license identifying himself as Manuel Levario-Garcia. Officer Depavis spoke to Levario-Garcia briefly and observed that Levario-Garcia appeared to be very nervous. Levario-Garcia advised Officer Depavis that he worked construction for Nicolas Acosta-Marroquin and that he did not own the Chevrolet. Officer Depavis gave Levario-Garcia a verbal warning for driving with an expired license and released him. Agents terminated surveillance of Levario-Garcia in the Chevrolet after this stop was completed.

17. Approximately four and half hours after Officer Depavis stopped Levario-Garcia, I received a phone call from CS-2. CS-2 advised that CS-2 had received a phone call from Juan LNU who called CS-2 from phone number of (505) 238-8697. CS-2 stated that Juan LNU told

[2] New Mexico license plate NXL-841 is registered Gerardo M Gonzalez, DOB: 11-29-1995, at 3518 Crest Ave. SE, Albuquerque, NM 87106 on a white 2010 Chevy four door, dealership information listed on the registration was Elmers Used Cars at 4605 Broadway Blvd SE, Albuquerque, NM.

CS-2 to delete telephone number (505) 234-2444 and not to call that number ever again. CS-2 stated that Juan LNU told CS-2 to call the (505) 238-8697 for all future heroin purchases.

18. On February 16, 2017, SA David Howell and I met with CS-2 and I viewed CS-2's phone log. I observed that on February 15, 2017, approximately a half an hour before CS-2 called me to report that this organization had provided a new phone number of (505) 238-8697, CS-2 had called (505) 234-2444. I further observed that approximately two minutes after this call CS-2 received a call from (505) 238-8697. CS-2 explained that CS-2 had attempted to call (505) 234-2444 to arrange the purchase of heroin for CS-2's personal use. CS-2 stated that no one answered when CS-2 placed this call. CS-2 stated that he then received the call from Juan LNU using (505) 238-8697, in which Juan LNU advised CS-2 not to call (505) 234-2444 and only to use (505) 238-8697 in the future. CS-2 stated that CS-2 did purchase and use approximately one gram of heroin later on February 15, 2017. CS-2 was advised not to purchase or use heroin in the future unless directed to do so by law enforcement. CS-2 is a heroin user attempting to stop using heroin. CS-2 has advised that CS-2 has begun receiving methadone treatment for heroin addiction.

19. CS-2 was shown a photograph of Levario-Garcia and Nicolas Acosta-Marroquin and CS-2 identified Levario-Garcia as the man that delivered heroin to CS-2 for the controlled purchase conducted on February 15, 2017. CS-2 further stated that Acosta-Marroquin was one of the three delivery drivers that CS-2 has received heroin from in the past. CS-2 then advised that the third unidentified driver is the individual that CS-2 received heroin from later on February 15, 2017. CS-2 further advised that a new vehicle, a white Nissan Versa with a New Mexico temporary tag that CS-2 has never seen before, was used for CS-2's unauthorized purchase of heroin later on February 15, 2017. CS-2 described this third unidentified driver as a Hispanic male with deep acne scars on his face.

20. Based on my training and experience I believe that Levario-Garcia told other DTO members about being stopped by police and that the use of a different delivery driver and a new vehicle, the white Nissan Versa by this DTO occurred because Levario-Garcia was stopped by law enforcement. Further, I believe that this DTO changed the phone number being used to arrange heroin sales in order to avoid law enforcement detection after Levario-Garcia was stopped by law enforcement.

Evidence that Juan LNU is Coordinating Drug-Trafficking from Las Vegas, Nevada

21. On February 17, 2017, United States Magistrate Judge Steven Yarbrough signed a location data search warrant for telephone number (505) 238-8697. I received this data from Verizon Wireless on February 17, 2017, and again on February 22, 2017. I learned that this phone remained in Las Vegas, Nevada during this time period. The location data was not accurate enough to allow law enforcement to identify the specific location of the phone or who is using this phone. Verizon Wireless was instructed by DEA personnel to terminate the request to provide further location data. Based on my training and experience I believe that this DTO is utilizing a DTO member residing in Nevada to take orders from heroin users for the purchase of

heroin and to dispatch DTO members here in Albuquerque to complete those heroin sales. Further, I believe that this DTO utilizes a DTO member in Nevada to thwart law enforcement use of a location data search warrant to identify DTO members.

Recent Controlled Buy from Ruben LNU, Coordinated by Juan LNU, and Evidence that a black Honda Accord (NM Plate NXZ-662) is used to Transport Drugs

22. On March 1, 2017, DEA personnel and Region III Narcotics Task Force utilized CS-2 to purchase heroin from Juan LNU. On this date, agents met with CS-2 and searched CS-2 and CS-2's vehicle, and no contraband was located. CS-2 was provided with $60.00 OAF for the purpose of purchasing heroin from this DTO. CS-2 was then instructed to call Juan LNU at (505) 238-8697. I observed CS-2's phone as CS-2 dialed this phone number and I recorded CS-2's conversation with Juan LNU. CS-2 asked Juan if he could meet CS-2 and Juan confirmed that he could meet with CS-2 in twenty minutes.

23. Approximately twenty minutes later, a black Honda Accord bearing New Mexico license plate NXZ-662[3] arrived in the parking lot and CS-2 got into the back seat of the Honda. A few moments later, CS-2 exited the Honda. The Honda was then observed departing the parking lot and I met with CS-2 who provided approximately 1.3 grams of heroin. I searched CS-2 and CS-2's vehicle and no additional contraband was located. CS-2 advised that the Honda was occupied by two Hispanic males. CS-2 knew the driver as Ruben LNU. Later on this same date, I field tested the heroin and obtained a positive result for the presence of heroin.

Evidence that Drug-Trafficker Nicolas Acosta-Marroquin Uses a White Nissan Versa (NM Temporary Tag 17T-049234) to Transport Drugs and 9808 Shiraz Road SW as a Base of Drug-Trafficking Operations and to Store his Drug-Transport Vehicle

24. Surveillance of the Honda was maintained and it was observed stopping in an apartment complex parking lot at 5401 Tucson Road NW, where a white male was observed getting into the back seat of the vehicle. A few moments later, this male subject got out of the vehicle and the Honda departed. Based on my training and experience, I believe that this male subject purchased heroin from the individuals in the Honda. A few minutes later, the Honda arrived in the Walgreens parking lot located at 3400 Coors Blvd NW, Albuquerque, NM. NMSP Sgt. Shelton observed the Honda park next to a white Nissan Versa, bearing New Mexico temporary license plate 17T-049234[4], which was occupied by a Hispanic male driver. Sgt. Shelton observed the driver of the Honda exit the vehicle and get into the passenger seat of the Nissan Versa. A few minutes later Sgt. Shelton observed the driver of the Honda return to the Honda and depart. Agents believe that the white Nissan Versa observed was being used by

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[3] New Mexico license plate NXZ-662 is registered to Sergio A Gonzalez-Pinon, DOB: 6-25-1987, at 519 Madeira Dr. SE, Albuquerque, NM 87108 for a black 2002 Honda four door

[4] New Mexico temporary license plate 17T-049234 is registered to Diaz-Guerrero, DOB 3-11-1990, and lists dealer information of Elmers Used Cars at 4605 Broadway Blvd SE, Albuquerque, NM 87105 for a white 2008 Nissan

Nicolas Acosta-Marroquin, who is a known DTO member, identified on February 15, 2017. Region III agents Chris Rodriguez, Gabe Trujillo, and Thomas Maes maintained surveillance of the Nissan from this point.

25. Surveillance of the white Nissan Versa continued on this date after the driver of this vehicle was observed meeting with the driver of the black Honda at the Walgreens parking lot at 3400 Coors Blvd NW. Agents followed the Nissan to two different locations and observed the vehicle stop for a brief period of time before continuing to the next location. Agents were not able to see if anyone got into the vehicle because no streetlights were present and it was dark outside at the time of these stops however, I believe that the driver of the Nissan conducted heroin sales at each of these locations.

26. Agent Trujillo observed the Nissan Versa arrive at the Smith's grocery store parking lot at 6001 Lomas Blvd NE. Agent Trujillo observed a male subject wearing a gray hoodie get into the passenger side seat of the Nissan Versa. Approximately two minutes later, Agent Trujillo observed the male with the hoodie exit the Nissan Versa and the Nissan Versa depart. Agent Trujillo observed the Nissan Versa arrive at the Valero gas station located at 141 98th St. NW. The driver of the Nissan Versa exited the vehicle and went inside the Valero gas station. Agent Trujillo observed that the driver was a Hispanic male in his twenties with a neck tattoo, who was wearing a black hoodie and a ball cap. Agent Trujillo observed the male subject purchase a six-pack of Modelo beer before returning to the Nissan Versa. Agent Trujillo was shown a photograph of Nicolas Acosta-Marroquin on March 2, 2017 and positively identified the male driver of this Nissan Versa as Acosta-Marroquin. The Nissan Versa was followed to **9808 Shiraz Road SW**, and Agent Trujillo observed that the Nissan Versa pulled into the garage of the residence at approximately 8:55 p.m.

27. On March 2, 2017, at approximately 6:00 a.m. Agent Trujillo began watching **9808 Shiraz Road SW**. At approximately 8:00 a.m., Agent Trujillo observed Acosta-Marroquin open the garage door of the residence at 9808 Shiraz Road and depart in the white Nissan Versa.

28. On March 3 and March 7, I observed the Nissan Versa parked in the garage at **9808 Shiraz Road SW**.

29. On March 9, 2017, I obtained the discarded trash from a trashcan I observed on the street directly in front of **9808 Shiraz Road SW**. I examined the discarded trash and seized three Ziploc type clear plastic bags. I also seized one clear plastic bag that contained a brown residue. I seized four other clear plastic bags that appeared to be consistent with drug packaging materials, in that I observed that one of these bags had contained a white residue and another bag appeared to have been twisted and tied in a knot at the top of the bag. Based on my training and experience I know that drugs are commonly packaged using clear plastic bags and that clear plastic bags used for packaging drugs are commonly knotted at the top to seal the bag or Ziploc type bags are used. Further, I know based on my training and experience that residue is commonly left in bags used to package drugs. I also seized a discarded New Mexico temporary

tag 16T-273382 [5] which listed a vehicle of a 1999 Nissan (VIN# 1N4DL01D6XC216783), a spent .45 caliber shell casing, a lay away receipt from Valley Pawn for the purchase of a .40 caliber Smith & Wesson pistol listing the purchaser name as Cristian M Guerrero-Diaz at 1221 8th St SW, Albuquerque, NM. This receipt showed a purchase price of $319.99 and a down payment of $60.00

30. On this same date, Region III agents and I conducted surveillance at **9808 Shiraz Road SW**. At approximately 8:00 a.m., Agent Trujillo observed the black Honda bearing New Mexico license plate NXZ-662, (mentioned above) arrive at **9808 Shiraz Road SW** and park in the driveway. Agent Trujillo observed Acosta-Marroquin come out of the residence and speak to the driver of the Honda in the driveway for approximately five minutes. Agent Trujillo could not see if anything was exchanged between the driver of the Honda and Acosta-Marroquin. Acosta-Marroquin then went back into the residence and the Honda departed.

31. Agent Trujillo observed Acosta-Marroquin depart the residence at approximately 9:10 a.m. in the white Nissan Versa bearing New Mexico temporary license 17T-053569 (mentioned above). At approximately 9:30 a.m. I observed the Nissan Versa arrive at the McDonald's parking lot located at 2200 Central Ave SE, and drive through the parking lot. The Nissan traveled south bound on Yale Blvd from the McDonald's and turned into the Family Dollar parking lot located at 306 Yale Blvd. The Nissan then pulled out of the parking lot and I observed a male passenger in the front passenger seat of the vehicle next to Acosta-Marroquin. I observed the Nissan travel north on Yale Blvd stopping just before the intersection of Yale Blvd and Central Ave. I observed the male passenger exit the vehicle and walk north on Yale Blvd. I noted that the male was a white male wearing a gray hoodie sweatshirt and jeans and a ball cap with a red brim. Sgt. Shelton observed this male subject walk up to another male and female who were standing on Central Ave at a bus stop and hand something to each of them. Sgt. Shelton advised that the activity he observed was consistent with a hand-to-hand narcotics transaction.

32. At approximately 9:39 a.m. I observed the Nissan Versa arrive at the Wendy's parking lot located at 1808 Central Ave. SE, Albuquerque, NM. Agent Adam Sandoval observed a white male get out of a blue Toyota bearing New Mexico license plate KTN-943.[6] Agent Sandoval observed the white male get into the passenger seat of the Nissan Versa and then get back out of the vehicle a few moments later returning to the blue Toyota. Surveillance of the Nissan Versa continued as Acosta-Marroquin drove around this neighborhood returning to the Family Dollar parking lot at approximately 9:57 a.m. Sgt. Shelton observed the same white male wearing the gray hoodie sweatshirt, jeans, and ball cap with the red brim, which had been observed meeting with Acosta-Marroquin at 9:30 a.m. on this date. Sgt. Shelton observed this male subject walk up to the Nissan Versa and get into the passenger side of the vehicle. A few moments later this male subject exited the Nissan Versa and walked north on Yale as the Nissan

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[5] New Mexico temporary tag 16T-273382 is registered to Diaz-Guerrero, date of birth 3-11-1990, on a gray 1999 Nissan four door.

[6] New Mexico license plate KTN-943 is registered to Mary Helen Flores, DOB: 11-4-1935 at 4814 Comanche Road NE, Albuquerque, NM on a silver 2007 Pontiac.

Versa departed. Acosta-Marroquin drove around in the Nissan Versa traveling to the area of Louisiana Ave and Menual Blvd before agents lost sight of the Nissan Versa in heavy traffic. The Nissan Versa could not be located and surveillance was terminated.

33. On March 14, 2017, Region III agents and I conducted surveillance at **9808 Shiraz Road SW.** At approximately 7:30 a.m. I observed a dark gray Ford Fusion bearing New Mexico temporary tag 17T-053569[7], and a silver Honda bearing New Mexico license plate OO65ENMU[8] plate both parked in driveway of the residence. I noted that the black Ford Fusion was the same vehicle observed on March 7, 2017, as described below. At approximately 8:15 a.m. I observed Acosta-Marroquin come out of the residence and place trash in a trashcan in front of the garage door of the residence and then go back into the residence.

34. At approximately 8:21 a.m., Sgt. Shelton observed a Hispanic male with deep acne scars on his face exit the residence and depart in the silver Honda. I noted that this male subject matched the description of the heroin delivery driver given by CS-2. Surveillance of the silver Honda was maintained and the driver of the Honda was observed meeting with Sammy Moya and a female believed to be Delilah Moya in front of their residence at 732 Luna Road SW. A Source of Information (SOI) who has provided truthful information in the past, told me about Sammy Moya and Delilah Moya in February of 2017. SOI advised that Sammy Moya was distributing heroin for Pato aka Rafael Salazar-Amaya. I further noted that the silver Honda registration listed Rafael Salazar-Amaya as the second name on the registration. The Ford Fusion was then followed to a residence on Lena Road and the driver of the vehicle was observed meeting with a male subject before departing. Surveillance of the silver Honda was lost for a short time after it departed Lena Road. At approximately 9:00 a.m., Sgt. Shelton observed the silver Honda arrive at **9808 Shiraz Road SW** and park in the driveway. Sgt. Shelton also observed that the garage door of the residence was open and a white Chevrolet four door sedan was parked in the garage of the residence.

Evidence that Drug-Trafficker Ruben LNU Uses 1630 El Patio Pl SW as a Base of Drug-Trafficking Operations and to Store the Drug Transport Vehicle, black Honda Accord (NM Plate NXZ-662)

35. Sgt. Shelton, Agent Sandoval and I continued surveillance of the black Honda. The Honda was observed traveling to two additional locations and meeting with two more individuals before traveling to **1630 El Patio Pl SW.** Each of these individuals got into the back seat of the Honda for a few moments and then exited the back seat before the Honda departed. Based on my training and experience, I believe these brief meeting are consistent with heroin distribution.

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[7] New Mexico temporary tag 17T-053569, is registered to Levario-Garcia, date of birth 3-21-1960, on a gray 2011 Ford four door.
[8] New Mexico license plate 0065ENMU is registered to Erik D Ramos Quintero and Rafael Salazar-Amaya at 213 Manzano St NE, Albuquerque, NM on a silver 2005 Honda four door.

36. At **1630 El Patio Pl SW**, Agent Sandoval observed the two male occupants of the Honda exit and meet with a female who arrived at the residence in a gray 2013 Dodge Charger bearing New Mexico license plate NXR456.[9] Agent Sandoval observed all three of these individuals unloading bags of what appeared to be groceries from the gray Dodge and carrying these items into the residence. A short time later, one male subject exited the residence, entered the Honda, and traveled to Bart Ave and Pennsylvania Blvd. and then stopped directly across the street from a silver four door sedan parked facing west in the 7600 block of Bart Ave, which is in the vicinity of the residence located at **7555 Prairie Rd NE**, mentioned above.

37. Agent Sandoval observed a male subject get out of the driver's seat of the silver sedan, walk across the street and get into the passenger seat of the Honda. Agent Sandoval observed the Honda travel east on Bart Ave. a short distance before turning around and parking directly behind the silver sedan. A few minutes later, Agent Sandoval observed the driver of the silver sedan get out of the Honda and return to the silver Sedan. Both vehicles then departed. The silver colored sedan was observed turning north on Pennsylvania Blvd. I was one block to the north at intersection of Florence Pl and Pennsylvania Blvd. I did not observe the vehicle travel past my location as I traveled south bound on Pennsylvania Blvd. I did however observe a silver vehicle travel west bound on Prairie Road NE, from Pennsylvania Blvd as I drove by this intersection. I believe that the silver vehicle went to **7555 Prairie Road NE**. The Honda was followed from this meeting directly back to **1630 El Patio Pl SW** where the vehicle parked and the driver was observed going into the residence for the night.

38. On March 2, 2017, at approximately 7:00 a.m., I observed the black Honda parked in the driveway at **1630 El Patio Pl SW**.

39. On March 3 and March 7, I observed the Black Honda was present at **1630 El Patio Pl SW** each of these days in the early morning hours.

Recent Evidence that 7555 Prairie Road NE Continues to Be Used as a Stash House

40. On March 2, 2017, I observed a silver Subaru bearing New Mexico license plate 306SPS[10] parked directly in front of **7555 Prairie Road NE**. I also observed a white Nissan Maxima bearing New Mexico license plate KPH125 parked in front of the residence. This is the same vehicle utilized by this DTO on June 24, 2016, to deliver heroin to CS-1 on that date, as detailed above. I also observed a black Jeep Cherokee parked in front of the garage door at the residence bearing New Mexico license plate MWC521.[11]

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[9] New Mexico license plate NXR456 is registered to Romons Rodriguez-Chavira at 7304 Rainwater Road SW, Albuquerque, NM for a 2013 Dodge four door.

[10] New Mexico license plate 306-SPS is registered to Annique Wagner-Heister at 42 Open Meadow, Tijeras, NM 87059, on a 2004 silver four door Subaru.

[11] New Mexico license plate MWC521is registered to Casey Magee at 3213 Chelwood NE, Albuquerque, NM on a 1999 black Jeep

41. On March 7, 2017, Region III personnel established surveillance at **7555 Prairie Road NE**, and observed the silver Subaru bearing New Mexico license plate 306-SPS was present at this location, and that the white Nissan Maxima and the black Jeep Cherokee were also present. Region III Agent Thomas Maes observed a white male exit the front door of **7555 Prairie Road NE** and get into the Subaru. Agents followed the Subaru to the 7-Eleven parking located at the corner of Pennsylvania Blvd and Montgomery Blvd where the vehicle backed into a parking spot. The lights on the Subaru turned off and no one was observed exiting the Subaru.

42. Approximately twenty minutes later, a dark gray Ford Fusion bearing New Mexico temporary tag 17T-053569[12], drove through the parking lot. The Subaru lights immediately turned on and the Subaru began following the Fusion west bound on Montgomery Blvd to Chama St. north bound, where both vehicles parked near a park. Sgt. Shelton observed the driver of the Subaru exit the vehicle and get into the passenger side of the Fusion. Both individuals remained in the Fusion for approximately four minutes and then the driver of the Subaru was observed returning to the Subaru.

43. The Subaru was followed back to **7555 Prairie Road NE** where the driver was observed parking the vehicle and going into the residence. Surveillance of the Fusion continued and the Fusion was followed to five locations in the Albuquerque area before surveillance of this vehicle was lost. At each location, an individual was observed getting into the vehicle for a brief amount of time before exiting the vehicle. Region III agents observed this activity to be consistent with heroin distribution activities. The New Mexico temporary tag on the Ford Fusion of 17T-053569, is registered to Levario-Garcia, date of birth 3-21-1960, on a gray 2011 Ford four door. Although the registration does not list a first name, the last name and the date of birth match that provided by Manuel Levario-Garcia who was identified subsequent to being stopped by a NMSP Officer on February 15, 2017, during a surveillance that followed CS-2 purchase of heroin on that date from this individual, as described above.

CONCLUSION

44. Based on my training and experience, I believe that the Subject Residences are being used to distribute heroin and further that the Subject Residences are being used to store bulk quantities of illegal drugs, and that these quantities are broken down into smaller quantities and provided to heroin users.

45. Further, based on my experience, I believe that in addition to a distributable quantity of heroin, documentary evidence will be found at the Subject Residences, including, but not limited to, bulk currency, pay-owe sheets, ledgers, receipts for packaging materials, receipts for cutting agents, telephone records, and other indicia of residence or ownership. This documentary evidence is not as transitory as the drugs themselves, and is likely to be present at the Subject Residences even if the drugs themselves have already been distributed.

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[12] New Mexico temporary tag 17T-053569, is registered to Levario-Garcia, date of birth 3-21-1960, on a gray 2011 Ford four door.

46. I believe there is probable cause to believe that at the Subject Residences will be found evidence, instrumentalities, and the fruits of violations of 21 U.S.C. §§ 841(a)(1) and 846, to wit, distributing and possessing with intent to distribute heroin and conspiracy to commit these offenses, as described in each respective Attachment B. I further believe that the items listed on Attachment B, and incorporated into this Affidavit by reference, may be found at the premises to be searched. I base this belief on the information set forth above, my training and experience, and the experience of the law enforcement officers with whom I has consulted.

Christopher S. Godier, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before
me this 16th day of March, 2017.

The Honorable Karen B. Molzen
Chief United States Magistrate Judge

Attachment A

Location(s) To Be Searched

Subject Residence

7555 Prairie Road NE, Albuquerque, New Mexico 87109

The premise to be searched is located at 7555 Prairie Road NE, Albuquerque, NM. 87109. This address is located to the west of Pennsylvania St. and north of Montgomery Bridge Blvd. in Albuquerque, NM. The residence is described as a multiple residence two story townhome structure. The residence has common walls that divide this residence from other residences in the same structure. The front door of the home is on the west side of residence and faces west. The residence has an attached single car garage. The address of "7555" is written in black numbers on the front of the structure near the front door. In addition to the residence, all vehicles located at the 7555, either in the garage or parked directly in front of the residence (If associated with residence or occupants) are also to be searched.

KBM

ATTACHMENT B

Items To Be Seized

1. Records of drug transactions , in particular, ledgers, names and/or code names or nicknames and/or identifying information reflecting customers, amounts of drugs bought and sold, amounts of money paid, owed or collected.

2. Large amounts of U.S. currency.

3. Any and all drug customer lists, dealers lists, or any notes containing the individual names of such persons, telephone numbers and/or addresses of these customers or dealers and any corresponding records of accounts receivable, money paid or received, drugs supplied or received, or cash received to pay for controlled substances or intended to pay for controlled substances.

4. Telephone and address books or notes containing telephone numbers and addresses of co-conspirators.

5. Indications of ownership or control of these premise and/or other premises used in unlawful drug trafficking activity, including but not limited to, utility bills, cancelled checks, or envelopes and deeds or leases.

6. Indications of ownership or control over any vehicles located at the place to be searched, including but not limited to, titles, registration, gas receipts, repair bills and keys belonging to that vehicle.

7. Any cellular phones and bills or receipts relating to the leasing/renting of cellular telephones. Contact lists and text messages contained in any cellular phones.

8. Records, receipts, bank statements and records, money drafts, money gram receipts (wire transfer receipts) letters of credit, money orders and cashier's checks received or sent, passbooks, bank checks, safe deposit box key(s), safes and other items evidencing the obtaining, secreting and/or concealment, and or expenditures of money.

9. Books, records, receipts, diaries, notes ledgers, and other papers relating to the transportation, ordering, sale and distribution of controlled substances and the outstanding debts and collections from controlled substances that have been distributed.

10. Drugs, Drug paraphernalia, drug packaging.

KBM